

**ORIGINAL**  
**IN THE UNITED STATES**  
**COURT OF FEDERAL CLAIMS**  
**(BID PROTEST)**

**FILED**  
FEB 5 2016  
U.S. COURT OF  
FEDERAL CLAIMS

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MANUS MEDICAL, LLC

Plaintiff,

v.

THE UNITED STATES,

Defendant.

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CoFC No. 16-183 C

**REQUEST FOR TEMPORARY RESTRAINING ORDER**

**COMES NOW** the Plaintiff Manus Medical, LLC (“Manus”), by and through undersigned counsel, and hereby files this Request for Temporary Restraining Order under Fed. R. Civ. P. 65(a) and the Rules of the United States Court of Federal Claims. As more fully stated in Plaintiff’s Memorandum in Support of its Motion for Preliminary Injunction, filed concurrently herewith, by this action Manus seeks to enjoin the VA from going forward with award of a contract or contracts under the Solicitation No. VA240C-15-R-0022 (the “Solicitation,” “Request for Proposals,” or “RFP”), as written for the supply of Custom Sterile Procedure Packs.<sup>1</sup> The Solicitation as issued violates federal procurement law and regulation because it is a full and open competition and not set aside for small business participation. Furthermore, the terms of the Solicitation are defective because they provide an unfair advantage to a class of offerors called Medical Surgical Prime Vendors (“MSPVs”) via the improper bundling of requirements, and the

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<sup>1</sup> According to the RFP Custom Sterile Procedure Packs are pre-packaged, sterilized sets of medical equipment and supplies identified by VA medical facilities from an identified packing and supply list. See RFP at 10.

procurement creates an organizational conflict of interest on the part offerors who are MSPVs. Additionally, Manus protests its recent exclusion from the competitive range in this procurement.

**WHEREFORE** Plaintiff respectfully requests that the Court grant the prayed for relief.

Respectfully submitted,

Dated: February 5, 2016

By: /s/James S. DelSordo  
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Counsel for Plaintiff Manus Medical, LLC

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 5<sup>th</sup> day of February, 2016, a copy of the foregoing Request for Temporary Restraining Order and associated papers was served by electronic mail on:

Counsel for the United States, United States Department of Justice,  
Commercial Litigation Branch, 1100 L Street, N.W., Washington,  
DC 20530, [nationalcourts.bidprotest@usdoj.gov](mailto:nationalcourts.bidprotest@usdoj.gov)

/s/James S. DelSordo  
James S. DelSordo